

# State of Tennessee

In the Circuit Court of Hamilton County

CHAVELA N. DEAN

Plaintiff

LIBERTY MUTUAL GENERAL  
INSURANCE COMPANY

Defendant

FILED IN OFFICE  
LARRY L. HENRY, CLERK

BY *CMA*

DC

No. *164137*

## SUMMONS

SERVE THROUGH COMMISSIONER OF INS.

LIBERTY MUTUAL GENERAL

500 James Robertson Pkwy.

TO: INSURANCE COMPANY

Nashville, TN 37243

Defendant

Address

Defendant

Address

Defendant

Address

You are hereby summoned to answer and make defense to a bill of complaint which has been filed in the Circuit Court of Hamilton County, Tennessee in the above styled case. Your defense to this complaint must be filed in the office of the Circuit Court Clerk of Hamilton County, Tennessee on or before thirty (30) days after service of this summons upon you. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint.

WITNESSED and Issued this

*29* day of *Sept*

, 20*16*

CIRCUIT COURT OF HAMILTON COUNTY  
500 COURTHOUSE  
625 GEORGIA AVENUE  
CHATTANOOGA, TENNESSEE 37402  
423/209-6700

Larry L. Henry, Circuit Court Clerk

By *Gunn Henry*

Deputy Circuit Court Clerk

Attorneys for Plaintiff C. Mark Warren

736 Georgia Avenue, Suite 600, Chattanooga, TN 37402

Address

Plaintiff's Address 2448 Meade Circle, Chattanooga, TN 37406

Received this

day of

, 20

/S/

Deputy Sheriff



ADA COORDINATOR, FOR ASSISTANCE CALL (209-7500)

EXHIBIT A

**State of Tennessee,  
County of Hamilton**

I, Larry L. Henry, Clerk of the Circuit Court, in and for the State and County aforesaid, hereby certify that the within and foregoing is a true and correct copy of the original writ of summons issued in this case:

**Larry L. Henry, Circuit Court Clerk**

By \_\_\_\_\_ D.C.

**OFFICERS RETURN**

I certify that I served this summons together with the complaint as follows:

☐ On, \_\_\_\_\_, 20\_\_\_\_, I delivered a copy of the summons and complaint to the defendant, \_\_\_\_\_

☐ Failed to serve this summons within 90 days after the issuance because: \_\_\_\_\_

**Hamilton County Sheriff**

**Deputy Sheriff**

**CLERK'S RETURN**

I hereby acknowledge and accept service of the within summons and receive copy of same, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Defendant**

**Larry L. Henry, Circuit Court Clerk**

By \_\_\_\_\_ D.C.

**Notice to Defendant(s)**

Tennessee law provides a ten thousand (\$10,000) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

FILED IN OFFICE  
IN THE CIRCUIT COURT OF HAMILTON COUNTY, TENNESSEE

2016 SEP 29 PM 2:17

CHAVELA N. DEAN,

Plaintiff,

vs.

LIBERTY MUTUAL GENERAL  
INSURANCE COMPANY,

Defendant.

LARRY L. HENRY, CLERK

BY CNA \*  
\*  
\* DC

NO. 16 U137

DIVISION \_\_\_\_\_

JURY DEMAND

**COMPLAINT**

The Plaintiff, Chavela N. Dean ("Plaintiff"), hereby files her Complaint against the Defendant, Liberty Mutual General Insurance Company ("Defendant"), for bad faith and shows the Court the following:

1. The Plaintiff is a resident and citizen of Hamilton County, Chattanooga, Tennessee.
2. The Defendant is an insurance company licensed to do business in the state of Tennessee.
3. The Plaintiff has an uninsured motorist insurance contract with the Defendant.
4. Under that insurance contract, the Defendant has a duty to negotiate in good faith.
5. The Plaintiff was involved in a car accident on October 25, 2015, when she was hit by an uninsured, drunk driver which led to significant personal injuries. The medical charges total \$62,150.22.
6. The Plaintiff also incurred damages of pain, suffering and loss of enjoyment of life.
7. The Plaintiff has also endured a loss of earning capacity.
8. Even though the Plaintiff sustained these significant injuries, the Defendant offered on \$78,000.00 to resolve the claim.
9. This final offer is so low as to be made in bad faith.

10. As a result of this low-ball offer that was not made in good faith, the Plaintiff has had to file a lawsuit against the Defendant drunk driver and will incur additional expenses and attorney fees to pursue that driver.

11. The Plaintiff would have incurred a twenty-five percent (25%) attorney fee if the Defendant had negotiated in good faith.

12. Since the Defendant failed to negotiate in good faith, the Plaintiff will now incur a one-third (1/3) attorney fee with additional deposition and expert witness fees in going to court.

13. These are direct consequential damages incurred as a result of the Defendant's failure to negotiate in good faith.

WHEREFORE, Plaintiff prays as follows:

- (1) That summons and process issue and be served in the time and manner prescribed by Tennessee law;
- (2) That a jury of twelve be empaneled to hear this cause;
- (3) That Plaintiff be awarded damages in the amount to be determined in court; and
- (4) Any and all other general and equitable relief the Court may deem just.

Respectfully submitted,

WARREN & GRIFFIN, P.C.

BY: 

C. Mark Warren (BPR #013992)  
Attorneys for Plaintiff  
Suite 600, Dome Building  
736 Georgia Avenue  
Chattanooga, TN 37402  
(423) 265-4878

FILED IN OFFICE

IN THE CIRCUIT COURT OF HAMILTON COUNTY, TENNESSEE

CHAVELA N. DEAN,

Plaintiff,

vs.

LIBERTY MUTUAL GENERAL  
INSURANCE COMPANY,

Defendant.

LARRY L. HENRY, CLERK

BY

*GWA* NO *16C1137*

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DIVISION \_\_\_\_\_

JURY DEMAND

**COST BOND**

The undersigned acknowledges and hereby binds the undersigned for the payment of all costs in this Court which may at any time be adjudged against Chavela N. Dean, the principal herein, in the event said principal shall not pay the same if so ordered by this Court.

WITNESS my hand this 29 day of September, 2016.

Respectfully submitted,

WARREN & GRIFFIN, P.C.

BY:

C. Mark Warren (BPR #013992)

Attorneys for Plaintiff

Suite 600, Dome Building

736 Georgia Avenue

Chattanooga, TN 37402

(423) 265-4878